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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/512,935 02/25/00 ISHIDA

N 200499-20004

EXAMINER

QM32/0314

Loeb & Loeb LLP
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ROSENBAUM, M
ART UNIT

PAPER NUMBER

3725
DATE MAILED:

03/14/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/512,935

Applicant(s)
Ishida et al

Examiner
Mark Rosenbaum

Group Art Unit
3725



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-24 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-24 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3726

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4,7-11,24 are rejected under 35 U.S.C. 102(b) as being anticipated by Becker et al. Note particularly figures 4 and 5.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 12-15, 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker et al. The limitations of these claims would have been obvious design choices by one skilled in the art once the basic apparatus was known. For example, the use of a lid with an associated control means is well known in the art and of no patentable merit. Also, the exact drive used would have been a design choice only once it was known to rotate both shafts as in Becker et al.

6. Claims 5, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker et al as applied to claim 1 above, and further in view of Flament.

Becker et al does not use smaller cutters which may result in incomplete shredding. Flament solves this problem by disclosing similar apparatus including the use of smaller cutters adjacent larger cutters. In order to ensure complete shredding, it would have been obvious for one of ordinary skill in the art to modify Becker et al by providing smaller cutters adjacent the large cutters, taught to be desirable by Flament.

7. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over becker et al as applied to claim 1 above, and further in view of Grooms et al.

Becker et al does not use a hand manipulated receiver for ease of access. Grooms et al solves this problem by showing similar apparatus including the use of a hand manipulated receiver. In order to ensure ease of access, it would have been obvious for one of ordinary skill in the art to modify Becker et al by providing a hand manipulatable receiver, taught to be desirable by Grooms et al.

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The exact design of the receiver and it's support would then have been an obvious design choice to one skilled in the art as it solves no stated problem.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Rosenbaum whose telephone number is (703) 308-1788.

A handwritten signature in cursive script, reading "Mark Rosenbaum". The signature is written in black ink and is positioned above the printed name.

MARK ROSENBAUM

PRIMARY EXAMINER

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MR

March 12, 2001